

REMARKS

In the Office Action, the Examiner objected to claims 1, 30, 52, and 57 based on perceived informalities and rejected claims 1-62. By this Response, Applicants amend claims 1, 30, 44, 52, and 57 for clarification of certain features to expedite allowance of the present application. These amendments do not add any new matter. Upon entry of these amendments, claims 1-62 will remain pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Claim Objections

In the Office Action, the Examiner objected to claims 1, 30, 52, and 57. Although Applicants do not necessarily agree with the Examiner's objections, Applicants amended the claims as set forth above. In view of these amendments, Applicants respectfully request the Examiner withdraw the objections to the claims.

Claim Rejections under Doctrine of Obviousness-Type Double Patenting

In the Office Action, the Examiner rejected claim 40 under the judicially created doctrine of obviousness-type double patenting over claims 11-20 and 30-38 of the Unger et al. reference (U.S. Patent No. 6,418,334). The Examiner also provisionally rejected claims 31, 32, 44, 45, and 47-50 under the judicially created doctrine of obviousness-type double patenting over claims 1-25 of the Gudapakkam et al. reference (U.S. Application No. 10/044,140). Applicants respectfully traverse these rejections.

Applicants note that the present double patenting rejections, as well as the statutory rejections discussed below, appear to be based on a misunderstanding of either the cited references or Applicants' present disclosure. With respect to the rejection based on the Unger et al. reference, claim 40 is believed to be clearly distinguishable from the cited reference for the reasons provided below. With respect to the rejection based on the

Gudapakkam et al. reference, Applicants respectfully note that independent claims 31 and 44 of the present application are generally directed to a novel component and technique for configuration of a medical diagnostic component, while claims 1-25 of the cited reference are generally directed to managing or controlling a distributed medical diagnostic imaging system, including the transmission of function commands. While the claims of the two applications may utilize some common terms and both applications pertain to medical systems, Applicants submit that the present claims are clearly not obvious in view of the Gudapakkam et al. reference. Accordingly, Applicants respectfully request withdrawal of the double patenting rejections.

Alternatively, should the Examiner maintain one or both of the current rejections, Applicants respectfully request that the Examiner provide a comparison of the particular elements of the claims along with a logical rationale to support the rejection. Further, should the Examiner choose to maintain the provisional rejection based on the Gudapakkam et al. reference, Applicants respectfully request that the Examiner hold in abeyance the provisional rejection until the present claims are determined to be allowable.

Claim Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-39 and 44-57 under U.S.C. § 102(a) as anticipated by Senda (U.S. Publication No. 2002/0057849), claims 40-43 under U.S.C. § 102(e) as anticipated by Unger et al. (U.S. Patent No. 6,418,334), and claim 58 under U.S.C. § 102(e) as anticipated by Schmitt (U.S. Patent No. 6,394,353). Applicants respectfully traverse these rejections.

Legal Precedent

A *prima facie* case of anticipation under 35 U.S.C. § 102 requires a showing that each limitation of a claim is found in a single reference, practice, or device. *In re Donohue*, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985). Accordingly, Applicants need only point to a single element not found in the cited reference to demonstrate that the cited

reference fails to anticipate the claimed subject matter. The prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Omitted Features of Independent Claims 1, 22, 31, and 44

Turning now to the present claims, the Senda reference fails to disclose each element of independent claims 1, 22, 31, or 44. For instance, independent claim 1 recites “a dynamic configuration system for the plurality of medical diagnostic components.” Claim 1 also recites that the dynamic configuration system comprises “a configuration data distributor” and “a component-specific data extractor” of the multi-component configuration data. Further, independent claim 22 recites both “a configuration data provider” and “a configuration data broadcaster” of multi-component configuration data. Independent claim 31 recites “a configuration data receiver for a distributable multi-component configuration file” and “a configuration data extractor.” Additionally, independent claim 44 recites “distributing multi-component configuration data comprising extractable component-specific configuration data for a plurality of medical diagnostic components.” Independent claim 44 also recites “extracting the extractable component-specific configuration data ... at each component of the plurality of medical diagnostic components” and “processing the extractable component-specific configuration data extracted at each component.” Because the Senda reference fails to disclose *any* of these elements, let alone each of these elements, the cited reference fails to anticipate independent claims 1, 22, 31, and 44.

Applicants respectfully submit that the Examiner’s reliance upon the Senda reference is simply unfounded. The Senda reference is generally directed to a method and apparatus for transferring images from imaging equipment to another device. Page 1, paragraph [0002]. Particularly, Senda teaches a network system 100 including various imaging modalities 50, workstations 10, and workstations 70. Page 2, paragraphs [0031]-

[0032]. The imaging modalities 50 and workstations 10 and 70 are networked with each other to facilitate communication between the devices. *Id.* Images obtained by the modalities 50 may be viewed on the workstations 70. Page 2, paragraph [0036]. Further, workstations 70 are configured to output such images to workstations 10, which include an image viewer, a print server, and a file server. Page 2, paragraph [0037] - page 3, paragraph [0039]. Using the workstation 70, an operator may specify the image viewer, printers, database, or the like as a destination for the images. Page 3, paragraph [0040]. In short, the Senda reference is devoted to the transference of images on a network, not configuring devices or components of the network.

While the paragraphs cited by the Examiner do include the word “configuration,” Applicants respectfully note that the term is used in the Senda reference to describe the physical layout of the network and to indicate that the workstations have been configured at some indiscriminate time. Page 3, paragraphs [0041]-[0047]. After careful analysis, Applicants have been unable to identify any structure or devices in the Senda reference that can be reasonably compared to “a dynamic configuration system for the plurality of medical diagnostic components” as recited by independent claim 1. Further, the Senda reference fails to disclose anything that could be equated with “configuration data.” Consequently, the Senda reference cannot be reasonably relied upon to disclose a host of elements recited by independent claims 1, 22, and 31, including: “a configuration data distributor,” “a component-specific data extractor,” or any one of a configuration data receiver, extractor, processor, provider, or broadcaster. Similarly, because the Senda reference fails to disclose, or even mention, configuration data, the cited reference also fails to disclose “distributing multi-component configuration data” or the extracting and processing of such data, as recited by independent claim 44. As a result of these numerous deficiencies, the Senda reference cannot support a *prima facie* case of anticipation. Accordingly, Applicants respectfully request withdrawal of the Examiner’s rejections of independent claims 1, 22, 31, and 44, and the claims depending therefrom.

Alternatively, though Applicants fully expect the Examiner will recognize the deficiencies of the Senda reference upon careful analysis, should the Examiner decide to maintain the current rejection, Applicants respectfully request that the Examiner particularly point out which elements of the Senda apparatus the Examiner believes are somehow comparable to the elements of the instant claims. Particularly, a rational explanation for maintaining the rejection, including a comparison of the Senda system to those claimed elements highlighted above, would be particularly helpful in facilitating the efficient prosecution of the present application.

Omitted Features of Independent Claim 40

Similarly, the Unger et al. reference fails to disclose each element of independent claim 40. For instance, independent claim 40 recites distribution means for distributing “multi-component behavioral data *to a plurality of medical diagnostic components*” (emphasis added). Also, claim 40 recites processing means for “processing component-specific portions of the multi-component behavioral data *at each of the plurality of medical diagnostic components*” (emphasis added). Because the cited reference fails to disclose such elements, the Unger et al. reference fails to anticipate independent claim 40.

Applicants note that the Unger et al. reference is directed to dynamically configuring *performance analysis* of medical diagnostic imaging system data. Col. 1, lines 19-22. As discussed by Unger et al., such performance analysis helps ensure the reliability and safety of a medical diagnostic system. Col. 1, line 52 – col. 2, line 8. To this end, the reference discloses a medical diagnostic imaging system 100 including a performance analysis module 195, a parameter configuration module 196, and a plurality of imaging subsystems having data acquisition modules 190. Col. 3, line 62 – col. 4, line 12. The data acquisition modules 190 acquire performance data of the system 100 and output this data to analysis module 195. Col. 4, lines 13-16. Parameter configuration module 196 dynamically configures *performance analysis* of the system 100; it *does not* configure the system itself. See col. 5, lines 15-19; see also col. 5, lines 19-45.

Parameter configuration module 196 merely selects one or more parameters based on the type of performance to be analyzed. *See* col. 5, lines 24-28.

Even if, assuming for the sake of argument, the performance data discussed in the cited reference could be reasonably equated with “multi-component behavioral data,” the Unger et al. reference only discloses distributing such data to the performance analysis module 195. It does not disclose distributing “multi-component behavioral data *to a plurality of medical diagnostic components*” (emphasis added), as recited by independent claim 40. Additionally, the cited reference further fails to teach processing means for “processing component-specific portions of the multi-component behavioral data *at each of the plurality of medical diagnostic components*” (emphasis added), as also recited by claim 40. As a result, the Unger et al. reference cannot support the Examiner’s present rejection of independent claim 40 and its dependent claims. Consequently, Applicants respectfully request withdrawal of the rejection and allowance of claims 40-43.

Omitted Features of Independent Claim 58

Further, the Schmitt reference fails to disclose each element of independent claim 58. Applicants respectfully note that independent claim 58 recites a computer program having machine-readable code comprising a broadcasting multi-component configuration system adapted to provide “a multi-component configuration file having extractable component-specific configuration data for a plurality of medical diagnostic components.” Because the Schmitt reference fails to disclose such an element, the cited reference fails to anticipate independent claim 58.

Applicants note that, again, the Office Action merely cites several passages of the cited reference in support of the current rejection, while providing no substantive analysis or explanation for the rejection or the characterization of the Schmitt reference. The Schmitt reference is generally directed to configuring a control arrangement of a medical device through use of a plurality of code readers. Col. 1, lines 45-53. As indicated by the

passages cited by the Examiner, the Schmitt apparatus includes a plurality of device components 1, 3, 5, 7, and 9, each having a code reader 2, 4, 6, 8, or 10. Col. 2, lines 14-28. The code readers are adapted to read component specific codes and transmit these codes to a control unit 11. Col. 2, lines 28-32. If a component is replaced, a new code corresponding to the new component is transmitted to the control unit 11, facilitating configuration of the control unit. *Id.*

Applicants note the paucity of detail in the cited reference and further note that the reference fails to suggest “a broadcasting multi-component configuration system adapted to provide a *multi-component configuration file having extractable component-specific configuration data*” (emphasis added), as recited by the instant claim. As such, claim 58 is believed to be allowable over the Schmitt reference. Applicants respectfully request the withdrawal of the rejection of claim 58 or, if the Examiner chooses to maintain the rejection, at least some specific justification for the rejection.

For these reasons, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102 and allowance of claims 1-58.

Claim Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 59-63 under 35 U.S.C. § 103(a) as obvious over Schmitt in view of Senda. Applicants respectfully traverse this rejection.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). The mere fact that references can be combined or modified

does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d. 1430 (Fed. Cir. 1990). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

Deficiencies of the Rejection

Applicants note that each of claims 59-63 depends from independent claim 58. As discussed above, the Schmitt reference fails to disclose each element of independent claim 58. Further, the Senda reference does nothing to obviate the deficiencies of the Schmitt reference. As a result, dependent claims 59-63 are allowable on the basis of their dependency from a respective allowable independent claim, as well as for the subject matter recited in these dependent claims. Accordingly, Applicants respectfully submit that claims 59-63 are allowable over the Schmitt and Senda references.

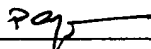
For these reasons, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103 and allowance of claims 59-63.

Conclusion

The Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims, or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

Date: May 9, 2005



Patrick S. Yoder
Registration No. 37,479
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545